

Senate File 2254 - Introduced

SENATE FILE 2254

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A BILL FOR

1 An Act establishing a moratorium relating to the construction,
2 including expansion, of certain confinement feeding
3 operation structures, requesting an interim study committee,
4 and including effective date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 459.104 Moratorium — confinement
2 feeding operation structures requiring construction permit.

3 1. Notwithstanding section 459.303 or any other provision
4 of law to the contrary, the department shall not approve an
5 application for a permit for the construction, including
6 expansion, of a confinement feeding operation structure.

7 2. Nothing in this section shall prohibit a person from
8 completing construction, including expansion, of a confinement
9 feeding operation structure if, prior to the effective date
10 of this Act, the person has begun construction, including
11 expansion, of the confinement feeding operation structure as
12 otherwise allowed under this chapter.

13 Sec. 2. INTERIM STUDY COMMITTEE — CONFINEMENT FEEDING
14 OPERATION STRUCTURE PERMIT APPROVAL. The legislative council
15 is requested to establish an interim study committee to
16 consider methods to provide for greater public participation
17 in the process of approving or disapproving the construction,
18 including expansion, of confinement feeding operation
19 structures. The interim study committee shall consider methods
20 to provide for greater decision-making by county boards of
21 supervisors and by the reformation of the master matrix as
22 provided in section 459.305. If established, the interim study
23 committee shall submit a report to the general assembly by
24 January 10, 2021, which includes findings and recommendations.

25 Sec. 3. EFFECTIVE DATE. This Act, being deemed of immediate
26 importance, takes effect upon enactment.

27 EXPLANATION

28 The inclusion of this explanation does not constitute agreement with
29 the explanation's substance by the members of the general assembly.

MORATORIUM. This bill amends Code chapter 459 (the "Animal Agriculture Compliance Act") by establishing a moratorium on the construction, including expansion, of confinement feeding operation structures (structures) such as buildings or manure storage structures associated with the confinement feeding operation.

1 The bill provides that during the period of the moratorium,
2 the department of natural resources is prohibited from
3 approving an application for a permit to construct a
4 structure. The bill does not prohibit a person from completing
5 construction if, prior to the effective date of the bill, the
6 person has begun the construction.

7 LEGISLATIVE STUDY. The bill requests that the legislative
8 council establish an interim committee to study methods to
9 increase greater public participation in the construction of
10 structures and submit a report to the general assembly by
11 January 10, 2021.

12 BACKGROUND. The department of natural resources regulates
13 confinement feeding operations. A confinement feeding
14 operation refers to an area in which certain animals associated
15 with agriculture are confined and fed and maintained under a
16 roof for 45 days or more in any 12-month period, and includes
17 associated structures including buildings and facilities used
18 to store manure. A permit to construct or expand a structure
19 is required if the structure is an unformed manure storage
20 structure (e.g., an anaerobic lagoon or earthen manure storage
21 structure) or the structure is associated with a confinement
22 feeding operation of a certain size based on a calculation
23 of its proposed animal unit capacity (AUC) which equals the
24 maximum number of animal units that may be maintained under
25 roof at any one time (Code section 459.102). A permit is
26 required if the confinement feeding operation would have an
27 AUC of 1,000 or more. In calculating AUC, each of various
28 types of animals are assigned a special equivalency factor.
29 For example, a butcher or breeding swine weighing more than
30 55 pounds has an equivalency factor of 0.4 animal units (Code
31 section 459.102). A confinement feeding operation proposed to
32 include one or more buildings with a capacity of 2,500 breeding
33 swine would be required to obtain a permit ($2,500 \times 0.4 = 1,000$
34 AUC).

35 EFFECTIVE DATE. The bill takes effect upon enactment.